

A.4

Designation Run Report

Mapes M DA, PC, PCompleteness, DReply on 07-22-21

Mapes, Michael 07-11-2019

Mapes, Michael 07-12-2019

Defendants' Affirmatives 00:19:38

Plaintiffs' Counters 00:13:05

Plaintiffs' Completeness 00:21:44

Defendants' Reply 00:05:02

Total Time 00:59:29



vMapes6ALL-Mapes M DA, PC, PCompleteness, DReply on 07-22-21

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17:24 - 17:25	Mapes, Michael 07-11-2019 (00:00:02) 17:24 Q. Good morning, Mr. Mapes. 17:25 A. Good morning.	vMapes6ALL.1
47:16 - 47:25	Mapes, Michael 07-11-2019 (00:00:18) 47:16 Q. And so according to this profile, you worked for DEA for a little more than 30 years in total, correct? 47:19 A. That's correct. 47:20 Q. From 1977 to 2007? 47:21 A. Yes. 47:22 Q. And you held a number of positions over the course of your tenure at DEA, correct? 47:25 A. Correct.	vMapes6ALL.2
48:1 - 48:2	Mapes, Michael 07-11-2019 (00:00:05) 48:1 Q. Were all of those positions in the diversion side of DEA?	vMapes6ALL.3
48:4 - 48:5	Mapes, Michael 07-11-2019 (00:00:02) 48:4 THE WITNESS: They were all related to the diversion program, yes.	vMapes6ALL.4
67:4 - 67:12	Mapes, Michael 07-11-2019 (00:00:52) 67:4 Q. And who were your clients in the independent consulting business that you had after leaving DEA, to the best that you can recall? 67:8 A. AmerisourceBergen, HD Smith, Meijer Company, M-e-i-j-e-r, Henry Schein, Physicians Pharmaceutical Corporation. 67:11 There's others I just can't recall this second.	vMapes6ALL.5
70:3 - 70:6	Mapes, Michael 07-11-2019 (00:00:22) 70:3 In 2005, who was the head of the Office of Diversion Control? 70:5 A. I'm not certain. It could have been one of a couple of different people.	vMapes6ALL.6
70:15 - 70:17	Mapes, Michael 07-11-2019 (00:00:04) 70:15 Q. Did Joe Rannazzisi take over that role from Bill Walker? 70:17 A. Yes.	vMapes6ALL.7
70:21 - 70:25	Mapes, Michael 07-11-2019 (00:00:09)	vMapes6ALL.8

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70:21 - 70:25	70:21 Q. Did you work with Joe Rannazzisi in that time period? 70:22 A. I did. 70:24 Q. Did you report to him? 70:25 A. I did.	
79:3 - 79:11	Mapes, Michael 07-11-2019 (00:00:29) 79:3 Q. During your time at DEA, you 79:4 became familiar with the regulation regarding 79:5 the identification and reporting of 79:6 suspicious orders? 79:7 A. Yes. 79:8 Q. To your knowledge, has that 79:9 regulation changed since it was issued or 79:10 promulgated? 79:11 A. Not that I'm aware of.	vMapes6ALL.9
80:1 - 80:7	Mapes, Michael 07-11-2019 (00:00:17) 80:1 Q. So when we're talking about the 80:2 regulation regarding to the identification 80:3 and reporting of suspicious orders, which 80:4 section of this Exhibit 3 are we talking 80:5 about? 80:6 A. Suspicious orders ends in 80:7 1301.74(b).	vMapes6ALL.10 D640.1.1
80:8 - 80:16	Mapes, Michael 07-11-2019 (00:00:21) 80:8 Q. And 1301.74(b) defines a 80:9 suspicious order to include orders of unusual 80:10 size, orders deviating substantially from a 80:11 normal pattern and orders of unusual 80:12 frequency, right? 80:13 A. Yes. 80:14 Q. Does the regulation explain to 80:15 a registrant how to identify an order of 80:16 unusual size?	vMapes6ALL.11
80:18 - 80:22	Mapes, Michael 07-11-2019 (00:00:06) 80:18 THE WITNESS: It does not. 80:19 QUESTIONS BY MS. MCCLURE: 80:20 Q. Does the regulation explain to 80:21 a registrant how to identify an order of 80:22 unusual frequency?	vMapes6ALL.12
80:24 - 80:24	Mapes, Michael 07-11-2019 (00:00:01)	vMapes6ALL.13

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81:2 - 81:4	80:24 THE WITNESS: It does not. Mapes, Michael 07-11-2019 (00:00:08)	vMapes6ALL.14
81:6 - 81:11	81:2 Q. Does the regulation explain to 81:3 a registrant how to identify an order that 81:4 deviates substantially from a normal pattern? Mapes, Michael 07-11-2019 (00:00:16)	vMapes6ALL.15
81:12 - 82:1	81:6 THE WITNESS: It does not. 81:7 QUESTIONS BY MS. MCCLURE: 81:8 Q. Registrants are responsible for 81:9 designing their own suspicious order 81:10 monitoring systems; is that correct? 81:11 A. It is. Mapes, Michael 07-11-2019 (00:00:35)	clear vMapes6ALL.16
85:5 - 85:8	81:12 Q. Is a registrant to take into 81:13 account considerations that are unique to 81:14 them in designing such a system, for example, 81:15 their customer base? 81:16 A. Yes. 81:17 Q. So would one registrant 81:18 potentially have a different-looking or 81:19 different nature of a customer base than 81:20 another registrant? 81:21 A. Yes. 81:22 Q. Is it possible that those 81:23 registrants would then have designed 81:24 different suspicious order monitoring 81:25 systems? 82:1 A. It's possible. Mapes, Michael 07-11-2019 (00:00:10)	vMapes6ALL.17
85:11 - 85:11	85:5 In your experience, DEA affords 85:6 registrants the discretion to design a 85:7 suspicious order monitoring system that is 85:8 effective? Mapes, Michael 07-11-2019 (00:00:00)	vMapes6ALL.18
87:21 - 87:23	85:11 THE WITNESS: Yes. Mapes, Michael 07-11-2019 (00:00:09)	vMapes6ALL.19
88:2 - 88:2	87:21 Q. Do you agree that there -- that 87:22 the review of an order to determine whether 87:23 it is suspicious or not is a subjective one? Mapes, Michael 07-11-2019 (00:00:01)	vMapes6ALL.20

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90:25 - 91:10	<p>88:2 THE WITNESS: Yes.</p> <p>Mapes, Michael 07-11-2019 (00:00:39)</p> <p>90:25 Q. Does the regulation -- I'm 91:1 looking back at Mapes Exhibit 3 -- define the 91:2 form or format that a suspicious order report 91:3 must take?</p> <p>91:4 A. It does not.</p> <p>91:5 Q. Does it say what information is 91:6 supposed to be provided to DEA?</p> <p>91:7 A. No, it doesn't.</p> <p>91:8 Q. Does the regulation in Mapes 91:9 Exhibit 3 say anything about whether a 91:10 registrant can ship a suspicious order?</p>	vMapes6ALL.21 D640.1.1
91:12 - 91:12	<p>Mapes, Michael 07-11-2019 (00:00:01)</p> <p>91:12 THE WITNESS: No, it doesn't.</p>	vMapes6ALL.22
91:14 - 91:17	<p>Mapes, Michael 07-11-2019 (00:00:11)</p> <p>91:14 Q. And this section of the 91:15 regulation, 1301.74(b), it has not changed 91:16 since 1971?</p> <p>91:17 A. I'm not aware of any changes.</p>	vMapes6ALL.23
91:18 - 92:12	<p>Mapes, Michael 07-11-2019 (00:00:57)</p> <p>91:18 Q. Are you familiar with excessive 91:19 purchase reports?</p> <p>91:20 A. Yes.</p> <p>91:21 Q. What are they?</p> <p>91:22 A. Reports that are sent by 91:23 wholesalers of purchases of controlled 91:24 substances that they, after the fact, think 91:25 may be excessive.</p> <p>92:1 Q. Was the submission of excessive 92:2 purchase reports, in your experience, 92:3 standard practice in the industry?</p> <p>92:4 A. It was.</p> <p>92:5 Q. Was there a particular time 92:6 that you believe, in your experience, it was 92:7 standard practice in the industry to submit 92:8 those?</p> <p>92:9 A. From the time I started with 92:10 DEA in 1977 until we had the meetings with 92:11 the individual wholesalers, that was the --</p>	clear vMapes6ALL.24

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92:13 - 92:15	92:12 the standard practice, to submit those. Mapes, Michael 07-11-2019 (00:00:05)	vMapes6ALL.25
92:13 - 92:25	92:13 Q. And in your experience, DEA 92:14 reviewed those reports as compliant with the 92:15 Controlled Substances Act? Mapes, Michael 07-11-2019 (00:00:07)	vMapes6ALL.26
93:2 - 93:25	92:23 THE WITNESS: Yeah, I viewed 92:24 those as compliant with the regulation 92:25 for suspicious orders. Mapes, Michael 07-11-2019 (00:00:40)	vMapes6ALL.27
93:2 - 94:3	93:2 Q. And in your experience of 93:3 conducting audits of distribution centers, 93:4 that was one of your roles as a diversion 93:5 investigator, right? 93:6 A. Yes. 93:7 Q. Conducting audits? 93:8 A. Yes. 93:9 Q. And as a group supervisor, you 93:10 would oversee diversion investigators who 93:11 were conducting audits? 93:12 A. That's correct. 93:13 Q. And that would include a review 93:14 of their suspicious order monitoring systems? 93:15 A. That's correct. 93:16 Q. Including the formats that they 93:17 were using to submit and how they were 93:18 identifying and reporting suspicious orders 93:19 to DEA? 93:20 A. Correct. 93:21 Q. And in the course of your role 93:22 as a diversion investigator and a group 93:23 supervisor, you accepted these excessive 93:24 purchase reports as compliant with the 93:25 Controlled Substances Act? Mapes, Michael 07-11-2019 (00:00:01)	vMapes6ALL.28
94:22 - 95:2	94:3 THE WITNESS: Yes. Mapes, Michael 07-11-2019 (00:00:17)	vMapes6ALL.29
	94:22 You don't recall saying to 94:23 anyone, a registrant, for example, "You can't 94:24 submit these kinds of excessive purchase	

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95:5 - 95:6	94:25 reports and still be compliant with the 95:1 Controlled Substances Act" in your role as a 95:2 diversion investigator or a group supervisor? Mapes, Michael 07-11-2019 (00:00:02)	vMapes6ALL.30
95:8 - 95:19	95:5 THE WITNESS: No, I don't 95:6 remember saying that. Mapes, Michael 07-11-2019 (00:00:26) 95:8 Q. And we've been talking about 95:9 excessive purchase reports, but sometimes 95:10 people -- registrants would call them by 95:11 different names. 95:12 Do you recall that, or in your 95:13 experience were they all called excessive 95:14 purchase reports? 95:15 A. Generally referred to as 95:16 excessive purchase reports. Could be called 95:17 suspicious order reports. 95:18 Q. And were they generally in a 95:19 similar format across the industry?	vMapes6ALL.31
95:24 - 96:12	Mapes, Michael 07-11-2019 (00:00:25) 95:24 Q. Do you understand my question? 95:25 A. Yes. 96:1 They were in different formats 96:2 depending on the company that was sending 96:3 them. Some would send computer printouts. 96:4 Some would send copies of invoices. So there 96:5 are different ways that they were sent. 96:6 Q. They generally provided the 96:7 same kind of information? 96:8 A. Yes. 96:9 Q. About purchases and sales that 96:10 had already happened? 96:11 A. Correct. 96:12 Q. And DEA accepted those?	vMapes6ALL.32
96:15 - 96:15	Mapes, Michael 07-11-2019 (00:00:01)	vMapes6ALL.33
96:21 - 96:22	96:15 Q. In your personal experience? Mapes, Michael 07-11-2019 (00:00:01) 96:21 THE WITNESS: Yes, we accepted 96:22 those.	vMapes6ALL.34
97:9 - 97:10	Mapes, Michael 07-11-2019 (00:00:04)	vMapes6ALL.35

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97:12 - 97:13	97:9 Q. So in your personal experience, 97:10 were you the only one who accepted these? Mapes, Michael 07-11-2019 (00:00:04)	vMapes6ALL.36
97:25 - 98:4	97:12 THE WITNESS: No other groups 97:13 accepted the same type of reports. Mapes, Michael 07-11-2019 (00:00:15)	vMapes6ALL.37
98:7 - 98:22	97:25 Q. Are you aware of DEA 98:1 headquarters approving particular suspicious 98:2 order monitoring systems submitted by a 98:3 registrant at any time in your experience at 98:4 DEA? Mapes, Michael 07-11-2019 (00:00:33)	vMapes6ALL.38
98:24 - 99:13	98:7 THE WITNESS: I do recall one 98:8 time that I was in headquarters and we 98:9 received a letter from a wholesaler 98:10 about their suspicious order 98:11 monitoring program, and we told them 98:12 that it did comply with the 98:13 requirements in the regulation. 98:14 QUESTIONS BY MS. MCCLURE: 98:15 Q. What role were you in when you 98:16 received that letter? 98:17 A. The deputy chief of liaison and 98:18 policy. 98:19 Q. And when you say "we" received 98:20 that letter, were you personally involved 98:21 with the approval of that suspicious order 98:22 monitoring system? Mapes, Michael 07-11-2019 (00:00:28)	vMapes6ALL.39
	98:24 THE WITNESS: Yes. 98:25 99:1 QUESTIONS BY MS. MCCLURE: 99:2 Q. Who else is encompassed within 99:3 that "we" that you've provided? 99:4 A. A staff coordinator that 99:5 reviewed the incoming correspondence from the 99:6 company, drafted the response to the company 99:7 and then sent it to me for approval, or in 99:8 this case signature, to send it to the 99:9 company.	

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	99:10 Q. Did you sign that? 99:11 A. Yes. 99:12 Q. And what company was that? 99:13 A. AmerisourceBergen.	
129:15 - 130:2	Mapes, Michael 07-11-2019 (00:00:26) 129:15 Q. Okay. So Kyle Wright and 129:16 yourself initiated the Distributor 129:17 Initiative? 129:18 A. That's correct. 129:19 Q. Is it sometimes called the 129:20 distributor briefings? 129:21 A. Yes. 129:22 Q. Do you -- okay. 129:23 So those are interchangeable? 129:24 A. They are. 129:25 Q. And what was the reason that 130:1 you and Mr. Wright initiated the distributor 130:2 briefings?	vMapes6ALL.40
130:8 - 130:10	Mapes, Michael 07-11-2019 (00:00:06) 130:8 THE WITNESS: It was started in 130:9 response to the Internet pharmacy 130:10 issue.	vMapes6ALL.41
130:12 - 131:15	Mapes, Michael 07-11-2019 (00:01:39) 130:12 Q. What was the Internet pharmacy 130:13 issue? 130:14 A. That was when websites were 130:15 starting to offer their service to patients, 130:16 doctors and pharmacies to put the three 130:17 together so that patients could get a 130:18 prescription filled by a pharmacy after 130:19 completing a questionnaire on a website and 130:20 getting that approved by a doctor for a 130:21 prescription, and a pharmacy getting the 130:22 prescriptions and filling those and sending 130:23 them to the patients. 130:24 Q. So DEA's concern, am I right, 130:25 that there was not a doctor-patient 131:1 relationship in this scenario, the Internet 131:2 pharmacy situation? 131:3 A. That's one of the concerns,	vMapes6ALL.42

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131:4 - 131:15	131:4 yes. 131:5 Q. What was the other concern? 131:6 I'm sorry if I missed it. 131:7 A. That the pharmacies were 131:8 filling prescriptions for patients that they 131:9 knew nothing about, for doctors that weren't 131:10 within the geographic area, all for the same 131:11 drug. 131:12 Q. Okay. And this Internet 131:13 pharmacy issue, as you called it, was 131:14 concerning to DEA? 131:15 A. It was concerning to me, yes.	vMapes6ALL.43
131:16 - 131:19	Mapes, Michael 07-11-2019 (00:00:11) 131:16 Q. In fact, by 2005, were Internet 131:17 pharmacies overwhelming DEA and exhausting 131:18 its resources as -- in your experience during 131:19 that time period?	vMapes6ALL.43
131:24 - 132:1	Mapes, Michael 07-11-2019 (00:00:05) 131:24 THE WITNESS: There were a 131:25 significant number of investigations, 132:1 and the investigations are lengthy.	vMapes6ALL.44
132:3 - 132:19	Mapes, Michael 07-11-2019 (00:00:50) 132:3 Q. So is that, yes, that the 132:4 resources needing to be devoted to the 132:5 Internet pharmacy issue were becoming a 132:6 problem or a concern? 132:7 A. A concern. 132:8 Q. A concern. 132:9 So you, together with 132:10 Mr. Wright, developed presentations for 132:11 distributors, correct? 132:12 A. That's correct. 132:13 Q. Was it basically the same 132:14 presentation given multiple times, or did the 132:15 presentation itself change? 132:16 A. It was the same basic 132:17 presentation with some unique information 132:18 about sales of each specific wholesaler that 132:19 we were talking with.	vMapes6ALL.45
134:1 - 134:2	Mapes, Michael 07-11-2019 (00:00:09)	vMapes6ALL.46

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134:4 - 134:20	<p>134:1 And for the record,</p> <p>134:2 US-DEA-00000147 through 164?</p> <p>Mapes, Michael 07-11-2019 (00:00:40)</p> <p>134:4 Q. The first page of this</p> <p>134:5 document that ends in 147, what is this?</p> <p>134:6 A. This is a memo that I signed to</p> <p>134:7 William Walker, who was the deputy assistant</p> <p>134:8 administration in diversion, about a meeting</p> <p>134:9 that was held on August 10th with Steve Mays</p> <p>134:10 of the AmerisourceBergen Drug Company.</p> <p>134:11 Q. And this memo was authored by</p> <p>134:12 you, right?</p> <p>134:13 That's your signature?</p> <p>134:14 A. Yeah, it was actually authored</p> <p>134:15 by Kyle Wright, and I signed it.</p> <p>134:16 Q. Okay. But you signed it after</p> <p>134:17 reviewing it, I assume?</p> <p>134:18 A. Yes.</p> <p>134:19 Q. Right?</p> <p>134:20 A. Yes.</p>	P9112.1
135:3 - 135:6	<p>Mapes, Michael 07-11-2019 (00:00:05)</p> <p>135:3 Is this a complete and accurate</p> <p>135:4 description of the meeting that you had with</p> <p>135:5 Steve Mays?</p> <p>135:6 A. As I remember it, yes.</p>	vMapes6ALL.48
137:8 - 137:14	<p>Mapes, Michael 07-11-2019 (00:00:14)</p> <p>137:8 Q. And from the memo that you</p> <p>137:9 wrote -- I'm sorry, that Kyle Wright wrote</p> <p>137:10 and you signed, it looks like you led -- you,</p> <p>137:11 Michael Mapes, led this distributor briefing</p> <p>137:12 with AmerisourceBergen, this particular one,</p> <p>137:13 right?</p> <p>137:14 A. That's correct.</p>	vMapes6ALL.49
138:13 - 138:15	<p>Mapes, Michael 07-11-2019 (00:00:05)</p> <p>138:13 Q. Do you recall your conversation</p> <p>138:14 with Steve Mays to set up this meeting?</p> <p>138:15 A. No.</p>	vMapes6ALL.50
138:25 - 140:1	<p>Mapes, Michael 07-11-2019 (00:01:13)</p> <p>138:25 Q. How would you describe</p> <p>139:1 Mr. Mays' demeanor during this meeting?</p>	vMapes6ALL.51

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139:2 A. I really don't recall.		
139:3 Q. Okay. At the end of the memo		P9112.2.2
139:4 on the top of the document Bates-labeled 148,		
139:5 the -- I'm sorry, the third full paragraph,		
139:6 it says, "It was agreed that if E-Commerce		
139:7 operations were to identify a highly		
139:8 suspicious pharmacy to which		
139:9 AmerisourceBergen was the wholesaler, that		
139:10 OC -- ODCO" --		
139:11 That stands for E-Commerce		
139:12 operations, right?		
139:13 A. Yes.		
139:14 Q. -- "would notify		
139:15 AmerisourceBergen via e-mail of the		
139:16 suspicious activity for AmerisourceBergen to		
139:17 review and take the actions the company deems		
139:18 appropriate."		
139:19 Do you recall that portion of		
139:20 the meeting?		
139:21 A. No.		
139:22 Q. Subsequent to this, do you		
139:23 recall reaching out to AmerisourceBergen to		
139:24 notify AmerisourceBergen of any suspicious		
139:25 activity that DEA wanted AmerisourceBergen to		
140:1 review and take appropriate action?		
140:11 - 140:15 Mapes, Michael 07-11-2019 (00:00:08)		vMapes6ALL.52
140:11 THE WITNESS: No, I don't		
140:12 recall any specific conversations.		
140:13 QUESTIONS BY MS. MCCLURE:		
140:14 Q. Was Mr. Mays cooperative during		
140:15 this meeting, to your recollection?		
140:18 - 140:19 Mapes, Michael 07-11-2019 (00:00:00)		vMapes6ALL.53
140:18 THE WITNESS: I just don't		
140:19 recall.		clear
140:21 - 140:25 Mapes, Michael 07-11-2019 (00:00:10)		vMapes6ALL.54
140:21 Q. Other than what is		
140:22 outlined in this memo and the presentation,		
140:23 was there anything else discussed with		
140:24 Mr. Mays during this briefing?		
140:25 A. I don't recall.		

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141:1 - 141:11	Mapes, Michael 07-11-2019 (00:00:14) 141:1 Q. If there was anything else 141:2 discussed, is it fair to say that your 141:3 practice would have been to put it in a memo 141:4 or in the presentation? 141:5 A. In the memo. 141:6 Q. Okay. So if there's anything 141:7 else discussed, it would be in the memo 141:8 itself? 141:9 A. Right. 141:10 (Mapes Exhibit 8 marked for 141:11 identification.)	vMapes6ALL.55
141:17 - 142:3	Mapes, Michael 07-11-2019 (00:00:41) 141:17 Q. So this is a similar 141:18 presentation titled "Internet Presentation 141:19 with McKesson Corp" for the memo on page 1 of 141:20 this Mapes 8, right? 141:21 A. Yes, it is. 141:22 Q. And this is a similar document 141:23 to what we just reviewed. 141:24 There's a cover memo followed 141:25 by a somewhat clearer copy of the 142:1 presentation, and that's MCKMDL00496859 to 142:2 875, right? 142:3 A. Yes.	vMapes6ALL.56 P12805.1
142:9 - 142:21	Mapes, Michael 07-11-2019 (00:00:32) 142:9 Q. And again, for the same 142:10 purpose, Internet pharmacies? 142:11 A. Yes. 142:12 Q. And again, if there had been 142:13 something additional discussed in your 142:14 meeting, you would have included it in the 142:15 cover memo? 142:16 A. Yes. 142:17 (Mapes Exhibit 9 marked for 142:18 identification.) 142:19 QUESTIONS BY MS. MCCLURE: 142:20 Q. And Mapes 9, US-DEA-00000352 142:21 through 366.	vMapes6ALL.57 P9114.1
142:23 - 143:3	Mapes, Michael 07-11-2019 (00:00:14)	vMapes6ALL.58

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142:23 - 143:2	Q. And that is a similar memo followed by the PowerPoint presentation that you provided to Cardinal Health on the topic of Internet pharmacies on August 22, 2005?	
143:3	A. It is.	
143:4 - 143:17	Mapes, Michael 07-11-2019 (00:00:18)	vMapes6ALL.59
143:4	Q. And again, may not be	
143:5	literally identical, but the same basic	
143:6	presentation you had given to	
143:7	AmerisourceBergen Drug Corporation and	
143:8	McKesson, correct?	
143:9	A. Yes.	
143:10	Q. For the same purpose, Internet	
143:11	pharmacy issues?	
143:12	A. Yes.	
143:13	Q. And again, if there had been	
143:14	something additional discussed in your	
143:15	meeting, you would have included it in your	
143:16	cover memo?	
143:17	A. Yes.	clear
151:7 - 151:9	Mapes, Michael 07-11-2019 (00:00:04)	vMapes6ALL.60
151:7	Q. Does the Controlled Substances	
151:8	Act say that registrants should not ship	
151:9	suspicious orders?	
151:16 - 151:17	Mapes, Michael 07-11-2019 (00:00:02)	vMapes6ALL.61
151:16	THE WITNESS: Not specifically,	
151:17	no.	
151:19 - 151:22	Mapes, Michael 07-11-2019 (00:00:16)	vMapes6ALL.62
151:19	Q. And if an order is unusual in	
151:20	size, frequency or pattern, do you agree that	
151:21	that does not necessarily mean that that	
151:22	order is going to be diverted?	
152:2 - 152:2	Mapes, Michael 07-11-2019 (00:00:01)	vMapes6ALL.63
152:2	THE WITNESS: I agree.	
152:19 - 152:24	Mapes, Michael 07-11-2019 (00:00:19)	vMapes6ALL.64
152:19	Q. If an order is not	
152:20	suspicious and is therefore filled and	
152:21	shipped and later downstream is diverted,	
152:22	that fact of that diversion does not now	

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	152:23 render the order suspicious; do you agree 152:24 with that?	
153:4 - 153:4	Mapes, Michael 07-11-2019 (00:00:01)	vMapes6ALL.65
	153:4 THE WITNESS: Yes.	
153:6 - 153:9	Mapes, Michael 07-11-2019 (00:00:18)	vMapes6ALL.66
	153:6 Q. Similarly, if an order is 153:7 regarded as suspicious but is shipped, would 153:8 you agree that that order is not necessarily, 153:9 in fact, going to be diverted?	
153:15 - 153:15	Mapes, Michael 07-11-2019 (00:00:01)	vMapes6ALL.67
	153:15 THE WITNESS: Yes.	
163:2 - 163:7	Mapes, Michael 07-11-2019 (00:00:23)	vMapes6ALL.68
	163:2 Q. After DEA issued what we've 163:3 marked as Mapes 12, which is the order to 163:4 show cause and immediate suspension of 163:5 registration, did the DEA work with 163:6 AmerisourceBergen to evaluate and develop a 163:7 new suspicious order monitoring program?	P49.1
163:11 - 163:14	Mapes, Michael 07-11-2019 (00:00:09)	vMapes6ALL.69
	163:11 THE WITNESS: No, 163:12 AmerisourceBergen created a new 163:13 program that we reviewed after they 163:14 created it.	
177:19 - 178:4	Mapes, Michael 07-11-2019 (00:00:28)	clear vMapes6ALL.70
	177:19 After you reviewed the new 177:20 changed program that AmerisourceBergen had 177:21 developed, you attended a DEA-sponsored 177:22 pharmaceutical industry conference in 177:23 Houston, Texas, in September of 2007. 177:24 Do you recall that?	
	177:25 A. Yes, I do. 178:1 Q. And that was a DEA diversion 178:2 control division-sponsored conference, 178:3 correct?	
	178:4 A. It was.	
178:11 - 178:16	Mapes, Michael 07-11-2019 (00:00:17)	vMapes6ALL.71
	178:11 Q. Did you have an understanding 178:12 that Chris Zimmerman was asked to present at 178:13 this conference because you and DEA thought 178:14 that AmerisourceBergen's new system, the	

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178:24 - 179:9	<p>178:15 changed system, was appropriate and would be 178:16 good to share with others in the industry?</p> <p>Mapes, Michael 07-11-2019 (00:00:26)</p> <p>178:24 THE WITNESS: Yes, that was my 178:25 understanding of why he was asked to 179:1 be part of that.</p> <p>179:2 QUESTIONS BY MS. MCCLURE:</p> <p>179:3 Q. And so I wasn't there, but it 179:4 sounds like you and Mr. Zimmerman were both 179:5 up on stage together presenting ABDC's 179:6 changed program to industry at a DEA 179:7 conference.</p> <p>179:8 Do I have that correct?</p> <p>179:9 A. Yes.</p>	vMapes6ALL.72
179:20 - 180:3	<p>Mapes, Michael 07-11-2019 (00:00:17)</p> <p>179:20 Q. In the second paragraph under 179:21 Suspicious Orders, it says, "Mr. Zimmerman 179:22 stressed the importance of knowing your 179:23 customer and providing due diligence 179:24 investigation on all new retail and wholesale 179:25 accounts with the exception of retail chain 180:1 pharmacies."</p> <p>180:2 Do you see that language there?</p> <p>180:3 A. I do.</p>	vMapes6ALL.73
180:4 - 180:8	<p>Mapes, Michael 07-11-2019 (00:00:17)</p> <p>180:4 Q. Can you explain the exception 180:5 for retail chain pharmacies?</p> <p>180:6 A. No, I didn't discuss that 180:7 particular exception with him, so I don't 180:8 know why he included that.</p>	vMapes6ALL.74
180:20 - 180:25	<p>Mapes, Michael 07-11-2019 (00:00:12)</p> <p>180:20 Q. So does this refresh your 180:21 recollection that Chris Zimmerman had a 180:22 PowerPoint that he presented at the 180:23 September 11, 2007 industry conference?</p> <p>180:24 A. No, I still don't remember the 180:25 presentation details.</p>	vMapes6ALL.75
181:21 - 181:23	<p>Mapes, Michael 07-11-2019 (00:00:10)</p> <p>181:21 Q. Do you recall referring to this 181:22 changed program as the new industry standard?</p>	vMapes6ALL.76

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181:24 - 182:2	181:23 A. No, I don't recall that. Mapes, Michael 07-11-2019 (00:00:12)	vMapes6ALL.77
	181:24 Q. Do you believe that -- was it 181:25 your understanding that it was expected by 182:1 DEA, to your understanding, to serve as a new 182:2 standard?	
182:9 - 182:18	182:9 Mapes, Michael 07-11-2019 (00:00:20) 182:9 THE WITNESS: It's my 182:10 understanding that the 182:11 AmerisourceBergen system was an 182:12 example of a system that contained the 182:13 type of information that we were 182:14 looking for. 182:15 QUESTIONS BY MS. MCCLURE: 182:16 Q. And was compliant with the 182:17 Controlled Substances Act? 182:18 A. Yes.	vMapes6ALL.78
182:24 - 183:6	182:24 Q. If you turn to page 9 of 182:25 whatever this PowerPoint exhibit is -- 183:1 MR. BENNETT: Mapes 17. 183:2 MS. MCCLURE: Thank you. Yes, 183:3 Mapes 17. 183:4 QUESTIONS BY MS. MCCLURE: 183:5 Q. -- which has little Bates 183:6 numbers on it that end in 1786.	vMapes6ALL.79 P44539.10
183:7 - 183:22	183:7 Mapes, Michael 07-11-2019 (00:00:31) 183:7 It says, "Historically, 183:8 controlled substance" -- I'm looking at the 183:9 second and third bullet -- "slash, listed 183:10 chemical order monitoring has been based on a 183:11 ship and report process." 183:12 And the next bullet, "ABC's OMP 183:13 process is now based on identify, capture, 183:14 investigate and report suspicious orders, all 183:15 prior to shipment." 183:16 Do you see that language? 183:17 A. Yes, I do. 183:18 Q. And was it your understanding 183:19 that this was one of the new features of the	vMapes6ALL.80

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	183:20 changed program that AmerisourceBergen had 183:21 developed? 183:22 A. Yes.	
183:23 - 183:25	Mapes, Michael 07-11-2019 (00:00:05) 183:23 Q. And this was new not just to 183:24 AmerisourceBergen but to the wholesale 183:25 industry?	vMapes6ALL.81
184:4 - 184:4	Mapes, Michael 07-11-2019 (00:00:01) 184:4 Q. Distributor industry.	vMapes6ALL.82
184:11 - 184:12	Mapes, Michael 07-11-2019 (00:00:04) 184:11 THE WITNESS: Yes, this was a 184:12 change for the wholesale industry.	vMapes6ALL.83
184:14 - 184:25	Mapes, Michael 07-11-2019 (00:00:25) 184:14 Q. Mr. Mapes, after you retired 184:15 from DEA in 2007, you began consulting, as we 184:16 discussed much earlier in today's deposition? 184:17 A. Yes. 184:18 Q. And one of those companies that 184:19 you performed some consulting work for was 184:20 AmerisourceBergen Drug Corporation, correct? 184:21 A. That's correct. 184:22 Q. When did you first start 184:23 consulting for AmerisourceBergen Drug 184:24 Corporation? 184:25 A. In early 2008.	clear vMapes6ALL.84
188:14 - 188:18	Mapes, Michael 07-11-2019 (00:00:16) 188:14 Q. Going back to excessive 188:15 purchase reports. 188:16 DEA's acceptance of excessive 188:17 purchase reports changed at some point, 188:18 correct?	vMapes6ALL.85
188:25 - 189:14	Mapes, Michael 07-11-2019 (00:00:37) 188:25 THE WITNESS: The nature of the 189:1 reports that I was involved with that 189:2 were accepted did change, yes. 189:3 QUESTIONS BY MS. MCCLURE: 189:4 Q. And what was the change? 189:5 A. It was change from a report 189:6 that was called an excessive purchase report 189:7 after the fact to a report that was of	vMapes6ALL.86

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189:8 specific suspicious orders before they were 189:9 shipped. 189:10 Q. And that's the change that 189:11 we've talked about that AmerisourceBergen had 189:12 in the April, May, June 2007 time period that 189:13 you reviewed, correct? 189:14 A. Yes.		
195:20 - 196:7 Mapes, Michael 07-11-2019 (00:00:37)		vMapes6ALL.87
195:20 Q. Would you expect that if 195:21 a representative of DEA was having a 195:22 conversation with a registrant to answer 195:23 their questions about suspicious order 195:24 monitoring systems, that the DEA employee 195:25 would be honest in their conversations with 196:1 the registrant? 196:2 A. Yeah, I would expect so. 196:3 Q. And would you expect that the 196:4 registrant would be able to rely on the 196:5 information that was provided by the DEA 196:6 employee in those conversations? 196:7 A. Yes.		
197:14 - 198:1 Mapes, Michael 07-11-2019 (00:00:39)		vMapes6ALL.88
197:14 You were aware that the system 197:15 that ABDC was presenting at the conference 197:16 represented a change in how wholesalers were 197:17 conducting suspicious order monitoring and 197:18 reporting; is that correct? 197:19 A. It is. 197:20 Q. Okay. And when -- but there 197:21 was no change in the regulation, correct? 197:22 A. That's correct. 197:23 Q. So is it fair to say that the 197:24 change was in what DEA -- how DEA was 197:25 expecting wholesalers to comply with the 198:1 regulation?		
198:8 - 198:12 Mapes, Michael 07-11-2019 (00:00:12)		vMapes6ALL.89
198:8 THE WITNESS: Yes, I did expect 198:9 that wholesalers would report 198:10 suspicious orders differently than 198:11 they had prior to the meetings and		

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202:22 - 203:19	<p>198:12 that conference.</p> <p>Mapes, Michael 07-11-2019 (00:01:07)</p> <p>202:22 Q. Do you recall -- leaving</p> <p>202:23 aside whether it was at this particular</p> <p>202:24 meeting, which I understand that you can't</p> <p>202:25 recall, do you recall ever communicating that</p> <p>203:1 point that's recited here, that DEA only</p> <p>203:2 wanted to receive suspicious order reports</p> <p>203:3 of, quote, true suspicious orders to</p> <p>203:4 registrants?</p> <p>203:5 A. I recall discussing that, but I</p> <p>203:6 don't recall who it was with or when, that</p> <p>203:7 kind of thing.</p> <p>203:8 Q. Okay. Fair enough.</p> <p>203:9 And what does that mean, to say</p> <p>203:10 that DEA -- well, to your understanding, what</p> <p>203:11 did that mean when you communicated that DEA</p> <p>203:12 wanted to receive reports that were true</p> <p>203:13 suspicious orders, not merely volumes that</p> <p>203:14 went over a threshold?</p> <p>203:15 A. That we are looking for reports</p> <p>203:16 that the wholesalers had reviewed, not just</p> <p>203:17 with a raw number of drugs that were ordered</p> <p>203:18 but reviewed it and determined that it was</p> <p>203:19 suspicious.</p>	vMapes6ALL.90
205:2 - 205:11	<p>Mapes, Michael 07-11-2019 (00:00:43)</p> <p>205:2 Q. If someone asserted that</p> <p>205:3 90 percent of all orders that were shipped</p> <p>205:4 after September of 2007 should have been</p> <p>205:5 reported to DEA as suspicious, would that be</p> <p>205:6 consistent with your expectations as you've</p> <p>205:7 described them today?</p> <p>205:8 A. If they said 90 percent of</p> <p>205:9 orders shipped by wholesalers, no, I wouldn't</p> <p>205:10 think that was a number that was close to</p> <p>205:11 those that should be suspicious.</p>	vMapes6ALL.91
206:15 - 207:5	<p>Mapes, Michael 07-11-2019 (00:01:03)</p> <p>206:15 At the conclusion of a cyclic</p> <p>206:16 audit, is it correct that the DEA</p> <p>206:17 investigator's report would not be provided</p>	vMapes6ALL.92

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206:18 to the registrant? 206:19 A. Yes, that's correct. 206:20 Q. So is it correct that a 206:21 registrant who went through a cyclic audit 206:22 and had no discrepancies found, the 206:23 registrant would not have a DEA document 206:24 reflecting that fact? Is that correct? 206:25 A. Unless the registrant requested 207:1 it through FOI or something like that. 207:2 Q. So your understanding that 207:3 registrants could receive audit reports 207:4 through the FOIA process? 207:5 A. Yes.		
212:8 - 212:18 Mapes, Michael 07-11-2019 (00:00:35)	vMapes6ALL.93 D640.1.2	
212:8 Q. Section 1301.74(a) requires a 212:9 registrant to then check its customer's DEA 212:10 registration before distributing controlled 212:11 substances to the customer, correct? 212:12 A. It requires they check it at 212:13 some point in time, not necessarily every 212:14 time before they distribute. 212:15 Q. Section 1301.74(a) imposes no 212:16 other requirement on distributors to perform 212:17 due diligence on its customers, does it? 212:18 A. It does not.	clear	
216:4 - 216:9 Mapes, Michael 07-11-2019 (00:00:14)	vMapes6ALL.94	
216:4 Q. The objective of this 216:5 additional diligence that you were requesting 216:6 out of distributors was for the distributors 216:7 to be able to identify those rogue Internet 216:8 pharmacy customers of theirs, correct? 216:9 A. Yes.		
216:10 - 216:14 Mapes, Michael 07-11-2019 (00:00:11)	vMapes6ALL.95	
216:10 Q. You were not intending the 216:11 additional diligence to require distributors 216:12 to investigate the inner workings of every 216:13 independent pharmacy across America that they 216:14 may service, correct?		
216:20 - 217:1 Mapes, Michael 07-11-2019 (00:00:16)	vMapes6ALL.96	
216:20 THE WITNESS: I was expecting		

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	216:21 that over time they would use the same 216:22 procedures for all the pharmacies that 216:23 they were dealing with to be certain 216:24 that there wasn't a problem that they 216:25 wouldn't see without the extra due 217:1 diligence.	
217:3 - 217:24	Mapes, Michael 07-11-2019 (00:00:51) 217:3 Q. And the problem that they were 217:4 to be looking for was whether or not they 217:5 were an Internet pharmacy? 217:6 A. An Internet pharmacy or any 217:7 pharmacy that was selling drugs for other 217:8 than legitimate medical purpose. 217:9 Q. Such as a pill mill, correct? 217:10 A. Yes. 217:11 Q. Now, during the distributor 217:12 briefings, you told distributors that you 217:13 were not concerned with large retail chain 217:14 pharmacies at the time, correct? 217:15 A. No. 217:16 Q. That's not correct? 217:17 A. I don't believe so. 217:18 Q. Do you recall instructing 217:19 distributors at the distributor briefings to 217:20 conduct due diligence on retail chain 217:21 pharmacies? 217:22 A. I don't recall that we made a 217:23 distinction between retail chain pharmacies 217:24 and independent pharmacies.	vMapes6ALL.97
217:25 - 218:10	Mapes, Michael 07-11-2019 (00:00:29) 217:25 Q. In asking the distributors to 218:1 conduct this additional diligence, you 218:2 understood that distributors did not have 218:3 access to all of the distribution and sales 218:4 data from each of their pharmacy customers, 218:5 correct? 218:6 A. Yes. 218:7 Q. And you also understood the 218:8 distributors would not be able to identify 218:9 all of the bad actors within the supply chain	vMapes6ALL.98

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218:13 - 218:15	218:10 with this additional diligence, correct? Mapes, Michael 07-11-2019 (00:00:05)	vMapes6ALL.99
218:18 - 218:20	218:13 THE WITNESS: I didn't expect 218:14 that they could immediately identify 218:15 everyone, no. Mapes, Michael 07-11-2019 (00:00:09)	vMapes6ALL.100
218:23 - 218:23	218:18 It wasn't your intention that 218:19 distributors became deputized agents to the 218:20 DEA, was it? Mapes, Michael 07-11-2019 (00:00:01)	vMapes6ALL.101
221:4 - 221:12	218:23 THE WITNESS: No. Mapes, Michael 07-11-2019 (00:00:27)	vMapes6ALL.102
223:14 - 224:11	221:4 Q. Do you agree that a 221:5 distributor's program that identified, 221:6 captured or blocked, investigated and 221:7 reported suspicious orders prior to shipment 221:8 would be in compliance with the Controlled 221:9 Substances Act and its regulations? 221:10 A. It could be, depending on what 221:11 their criteria for identifying suspicious 221:12 orders were. Mapes, Michael 07-11-2019 (00:00:43)	vMapes6ALL.103
	223:14 Q. Would you agree with me that 223:15 diversion can occur in many different ways? 223:16 A. Yes. 223:17 Q. For example, opioids can be 223:18 stolen from a delivery truck; that's 223:19 diversion, correct? 223:20 A. Yes. 223:21 Q. Someone could go into their 223:22 grandmother's cabinet and take their 223:23 grandmother's opioids that she was prescribed 223:24 for a legitimate purpose; that would be 223:25 diversion? 224:1 A. Yes. 224:2 Q. Someone could take opioids from 224:3 a friend who was prescribed the opioids for 224:4 legitimate reasons; that would be diversion, 224:5 wouldn't it? 224:6 A. Yes.	

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	224:7 Q. Distributors have nothing to do 224:8 with opioids that are diverted when the 224:9 opioids are stolen from friends or family 224:10 members, do they? 224:11 A. No, they don't.	
224:12 - 224:16	Mapes, Michael 07-11-2019 (00:00:12)	vMapes6ALL.104
	224:12 Q. The vast majority of diversion 224:13 occurs once opioids leave the closed system 224:14 of distribution; would you agree with that? 224:15 A. I don't know that to be true or 224:16 not.	
224:21 - 224:24	Mapes, Michael 07-11-2019 (00:00:10)	vMapes6ALL.105
	224:21 You would agree that 224:22 distributors cannot control what happens to 224:23 pills once those pills are delivered to their 224:24 pharmacy customers, correct?	
225:2 - 225:2	Mapes, Michael 07-11-2019 (00:00:01)	vMapes6ALL.106
	225:2 THE WITNESS: That's correct.	
225:4 - 225:15	Mapes, Michael 07-11-2019 (00:00:23)	vMapes6ALL.107
	225:4 Q. Are you familiar with the term 225:5 "overprescribing"? 225:6 A. Yes. 225:7 Q. What is overprescribing? 225:8 A. It's when a prescriber 225:9 prescribes more controlled substances than 225:10 are necessary or prescribes controlled 225:11 substances to people that it may not be 225:12 necessary for. 225:13 Q. Is overprescribing a form of 225:14 diversion? 225:15 A. Yes.	
225:16 - 225:21	Mapes, Michael 07-11-2019 (00:00:13)	vMapes6ALL.108
	225:16 Q. Overprescribing is a form of 225:17 diversion even if the prescriber is 225:18 well-intentioned and believes there's a 225:19 legitimate medical purpose for prescribing 225:20 the amount and dosage that he or she 225:21 prescribed?	
225:24 - 225:24	Mapes, Michael 07-11-2019 (00:00:01)	vMapes6ALL.109
	225:24 THE WITNESS: It could be.	

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226:5 - 226:8	Mapes, Michael 07-11-2019 (00:00:08) 226:5 Q. You'd agree with me the 226:6 distributors have no insight into determining 226:7 whether a doctor has overprescribed opioids 226:8 to her patient?	vMapes6ALL.110
226:12 - 226:12	Mapes, Michael 07-11-2019 (00:00:01) 226:12 THE WITNESS: Generally not.	vMapes6ALL.111
227:3 - 228:2	Mapes, Michael 07-11-2019 (00:01:04) 227:3 Q. Earlier today you testified 227:4 about meetings that you had with the 227:5 plaintiffs' counsel in 2018. 227:6 Do you remember that testimony? 227:7 A. Yes. 227:8 Q. I believe you said you had two 227:9 meetings, one in the summer and one in the 227:10 fall of 2018, correct? 227:11 A. Yes. 227:12 Q. Now, did you -- during those 227:13 meetings with the plaintiffs' counsel in 227:14 2018, did you tell plaintiffs' counsel that 227:15 the DEA had approved the distributors' 227:16 submission of excessive purchase reports 227:17 after orders had been shipped? 227:18 A. I believe that was discussed, 227:19 yes. 227:20 Q. Did you tell plaintiffs' 227:21 counsel during those meetings that in your 227:22 experience excessive purchase reports 227:23 complied with the requirements of the 227:24 Controlled Substances Act and its 227:25 regulations, at least for your time at DEA 228:1 between 1977 and the distributor briefings? 228:2 A. Yes.	vMapes6ALL.112
228:13 - 229:1	Mapes, Michael 07-11-2019 (00:00:40) 228:13 Q. During these meetings with the 228:14 plaintiffs' counsel in 2018, did you tell 228:15 plaintiffs' counsel the distributor briefings 228:16 focused on Internet pharmacy issues? 228:17 A. Yes. 228:18 Q. Did you tell plaintiffs'	vMapes6ALL.113

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	228:19 counsel that the additional diligence you 228:20 requested of distributors at these 228:21 distributor briefings was to help identify 228:22 Internet pharmacies? 228:23 A. I don't recall specifically 228:24 that was how it was worded. 228:25 Q. But something similar? 229:1 A. Yes.	
229:17 - 229:21	Mapes, Michael 07-11-2019 (00:00:12) 229:17 Q. After your discussions with the 229:18 plaintiffs' counsel, the plaintiffs did not 229:19 contact you to ask you to serve as an expert 229:20 for plaintiffs in this case, correct? 229:21 A. That's correct.	vMapes6ALL.114
332:25 - 333:5	Mapes, Michael 07-12-2019 (00:00:07) 332:25 (Mapes Exhibit 20 marked for 333:1 identification.) 333:2 QUESTIONS BY MR. LANIER: 333:3 Q. I'm going to hand you a 333:4 document we're going to mark as Exhibit 333:5 Number 20.	vMapes6ALL.115 P44542.1
337:24 - 338:23	Mapes, Michael 07-12-2019 (00:01:27) 337:24 Q. Now, in that regard, the first 337:25 stop we're going to make is personal 338:1 background. And I'm going to keep a sheet of 338:2 your personal background, and we're going to 338:3 mark these documents that I'm showing to the 338:4 jury as an exhibit so that both sides have 338:5 them and we've got the benefit of them as a 338:6 demonstrative exhibit for the jury. 338:7 Your personal background, you 338:8 gave us a lot of it yesterday, but what I'd 338:9 like to do is sort of go in and look at you 338:10 from another angle. 338:11 Are you familiar with the 338:12 concern that has been expressed about a 338:13 revolving door between government and 338:14 industry? 338:15 A. Yes. 338:16 Q. And a revolving door -- you	vMapes6ALL.116 MAPES32.37

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	338:17 know, most doors are just a door that's, you 338:18 know, this, with a doorknob. But a revolving 338:19 door is one of those doors that tends to 338:20 revolve around, such that you've got an 338:21 ability to go in one way and out the other. 338:22 Do you follow me? 338:23 A. Yes.	
339:15 - 339:19	Mapes, Michael 07-12-2019 (00:00:15) 339:15 The reason the revolving door 339:16 is a concern is because there seems to be a 339:17 pattern of folks working for the DEA who then 339:18 go to work for the very industries they were 339:19 supposed to be overseeing, correct?	vMapes6ALL.117
339:22 - 339:24	Mapes, Michael 07-12-2019 (00:00:04) 339:22 THE WITNESS: Yes, I went to 339:23 work with the industries after 339:24 retiring from DEA.	vMapes6ALL.118
342:24 - 343:1	Mapes, Michael 07-12-2019 (00:00:12) 342:24 Q. But while you retired from the 342:25 DEA, so the jury's clear, you just started 343:1 going to work for industry, didn't you?	clear vMapes6ALL.119
343:3 - 343:4	Mapes, Michael 07-12-2019 (00:00:02) 343:3 THE WITNESS: Yes, I did work 343:4 for industry.	vMapes6ALL.120
349:19 - 349:22	Mapes, Michael 07-12-2019 (00:00:10) 349:19 Q. Well, let's put it this way: 349:20 You are someone who was a DEA official who 349:21 went to work for the pharmaceutical industry 349:22 since 2000, aren't you?	vMapes6ALL.121
349:25 - 350:3	Mapes, Michael 07-12-2019 (00:00:05) 349:25 THE WITNESS: Yes. 350:1 QUESTIONS BY MR. LANIER:	vMapes6ALL.122
	350:2 Q. You did that in 2007 or '8? 350:3 A. 2008.	
350:13 - 350:18	Mapes, Michael 07-12-2019 (00:00:17) 350:13 Q. Now, in this 350:14 regard, sir, this idea of a revolving door, 350:15 you being -- working governing industry and 350:16 then all of a sudden you going to work for 350:17 industry, you get paid by industry when they	vMapes6ALL.123

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350:21 - 351:1	350:18 hire you to do their work, don't you? Mapes, Michael 07-12-2019 (00:00:11)	vMapes6ALL.124
	350:21 THE WITNESS: Yes.	
	350:22 QUESTIONS BY MR. LANIER:	
	350:23 Q. So in addition to the money	
	350:24 that you were getting in retirement from the	
	350:25 government, you start making money from	
	351:1 industry, fair?	
351:3 - 351:9	Mapes, Michael 07-12-2019 (00:00:15)	vMapes6ALL.125
	351:3 THE WITNESS: Yes.	
	351:4 QUESTIONS BY MR. LANIER:	
	351:5 Q. And the money you've made from	
	351:6 industry, is that based always on an hourly	
	351:7 rate or was it ever on a project or as a	
	351:8 salary?	
	351:9 A. A little of both.	
353:9 - 353:11	Mapes, Michael 07-12-2019 (00:00:06)	vMapes6ALL.126
	353:9 Q. Because I know you've	
	353:10 been hired by one of the companies in this	
	353:11 case right now, haven't you?	
353:14 - 353:18	Mapes, Michael 07-12-2019 (00:00:08)	vMapes6ALL.127
	353:14 THE WITNESS: Yes.	
	353:15 QUESTIONS BY MR. LANIER:	
	353:16 Q. Tell the jury who's hired you,	
	353:17 who you're working for right now, that was	
	353:18 asking you questions yesterday.	
353:20 - 353:25	Mapes, Michael 07-12-2019 (00:00:08)	vMapes6ALL.128
	353:20 THE WITNESS: The Williams	
	353:21 Connolly firm.	
	353:22 QUESTIONS BY MR. LANIER:	
	353:23 Q. And who do they represent, to	
	353:24 your knowledge?	
	353:25 A. Cardinal Health.	
360:2 - 360:7	Mapes, Michael 07-12-2019 (00:00:05)	vMapes6ALL.129
	360:2 (Mapes Exhibit 24 marked for	P44541.1
	360:3 identification.)	
	360:4 QUESTIONS BY MR. LANIER:	
	360:5 Q. Now, I'll give you Exhibit	
	360:6 Number 24. This is a copy of your LinkedIn	
	360:7 page.	clear

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365:4 - 365:6	Mapes, Michael 07-12-2019 (00:00:08) 365:4 Q. And that's why companies like 365:5 AmerisourceBergen put you into their 365:6 corporate charts.	vMapes6ALL.130
365:13 - 365:19	Mapes, Michael 07-12-2019 (00:00:07) 365:13 THE WITNESS: I don't know why 365:14 they added me to their chart. 365:15 (Mapes Exhibit 25 marked for 365:16 identification.) 365:17 QUESTIONS BY MR. LANIER: 365:18 Q. Let me give you a document that 365:19 we'll mark as Exhibit Number 25	vMapes6ALL.131
370:8 - 370:13	Mapes, Michael 07-12-2019 (00:00:16) 370:8 Q. And so here we see for 370:9 AmerisourceBergen in Exhibit 25 associates 370:10 assigned to provide resources for the 370:11 diversion control program, and it starts up 370:12 here with a vice president and an 370:13 administrative assistant.	vMapes6ALL.132 P81.1
370:23 - 370:25	Mapes, Michael 07-12-2019 (00:00:08) 370:23 Q. And if I follow the chart 370:24 right, they've got you basically reporting to 370:25 the vice president, don't they?	vMapes6ALL.133 P81.1.2
371:2 - 371:4	Mapes, Michael 07-12-2019 (00:00:07) 371:2 THE WITNESS: I didn't report 371:3 to the vice president. It was mainly 371:4 with Steve Mays, the director of CSRA.	vMapes6ALL.134
371:9 - 371:12	Mapes, Michael 07-12-2019 (00:00:09) 371:9 Q. So practically speaking, the 371:10 vice president didn't take your cares or 371:11 concerns. You didn't even know technically 371:12 you were reporting to him; is that right?	vMapes6ALL.135
371:15 - 371:16	Mapes, Michael 07-12-2019 (00:00:03) 371:15 THE WITNESS: Practically I 371:16 reported to Steve Mays.	vMapes6ALL.136
384:16 - 384:22	Mapes, Michael 07-12-2019 (00:00:23) 384:16 That law that closes this loop, 384:17 that requires the distributors to only give 384:18 to registered and approved pharmacies for 384:19 legitimate purposes to stop diversion. I	vMapes6ALL.137 MAPES32.28

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384:20 mean, knowing their customers, knowing the 384:21 pharmacies, that's diversion control 101, 384:22 isn't it?		
385:2 - 385:2 Mapes, Michael 07-12-2019 (00:00:02)	vMapes6ALL.138	
385:2 THE WITNESS: Yes, it's basic.		
386:13 - 386:17 Mapes, Michael 07-12-2019 (00:00:13)	vMapes6ALL.139	
386:13 Q. Let me be more clear. Some 386:14 people don't understand what I mean. 386:15 This law for the Controlled 386:16 Substances Act, that doesn't apply just to 386:17 Internet pharmacies, does it?	MAPES32.21	
386:19 - 387:3 Mapes, Michael 07-12-2019 (00:00:27)	vMapes6ALL.140	
386:19 THE WITNESS: It applies to all 386:20 handlers of controlled substances. 386:21 QUESTIONS BY MR. LANIER: 386:22 Q. Yeah. There's not a -- where's 386:23 the note I just used? 386:24 Aren't distributors required to 386:25 know their customers, diversion control 101, 387:1 that's not only applicable to Internet 387:2 pharmacies; it applies to all their 387:3 customers, doesn't it?		
387:8 - 387:19 Mapes, Michael 07-12-2019 (00:00:23)	vMapes6ALL.141	
387:8 THE WITNESS: It applies to all 387:9 registrants, yes. 387:10 QUESTIONS BY MR. LANIER: 387:11 Q. Yeah. Everybody in the loop, 387:12 right? 387:13 A. Yes. 387:14 Q. And so when the lawyers talked 387:15 to you about these Internet pharmacy 387:16 concerns, let's just make real clear that the 387:17 law that we're talking about is -- the same 387:18 law applies to all pharmacies, whether 387:19 they're Internet or not.		
388:3 - 388:3 Mapes, Michael 07-12-2019 (00:00:00)	vMapes6ALL.142	
388:3 THE WITNESS: It does.		
388:14 - 388:18 Mapes, Michael 07-12-2019 (00:00:11)	vMapes6ALL.143	
388:14 But in terms of the opioid loop 388:15 and what the distributors have to do, there's		

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388:16 no special law for distributors that pertains 388:17 to how they treat Internet pharmacies versus 388:18 others, is there?		
388:20 - 388:20 Mapes, Michael 07-12-2019 (00:00:01)	vMapes6ALL.144	
388:20 THE WITNESS: No.	clear	
395:18 - 395:19 Mapes, Michael 07-12-2019 (00:00:02)	vMapes6ALL.145	
395:18 (Mapes Exhibit 26 marked for 395:19 identification.)		
396:1 - 396:3 Mapes, Michael 07-12-2019 (00:00:06)	vMapes6ALL.146	
396:1 Do you have Exhibit Number 26	P684.1.1	
396:2 in front of you?		
396:3 A. I do.		
397:6 - 398:13 Mapes, Michael 07-12-2019 (00:01:44)	vMapes6ALL.147	
397:6 Q. "Steve, at the meeting at DEA, 397:7 I was not sure if your company had sold 397:8 controlled substances to any of the 397:9 pharmacies that were used as examples in the 397:10 presentation. We checked ARCOS" --	P684.2.1	
397:11 What is ARCOS?		
397:12 A. It's a system that collects 397:13 data from registrants concerning sales of 397:14 Schedule II and III narcotic drugs.		
397:15 Q. It is a system you guys have 397:16 that will get all of the information about 397:17 who's selling the drugs and who they're 397:18 selling them to?		
397:19 A. Yes.		
397:20 Q. All right. "We checked the 397:21 system that collects info on drug sales, 397:22 ARCOS, and found you made several sales to 397:23 Example Number 2 on page 10 of the printed 397:24 presentation. It's a Florida pharmacy that's 397:25 now out of business. Your sales were mostly 398:1 hydrocodone products."		
398:2 That's an opiate drug, isn't 398:3 it?		
398:4 A. It is.		
398:5 Q. So while the lawyer will show 398:6 you and the jury that Mr. Mays informed you 398:7 guys that they didn't want to be associated		

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398:8 with this type of illegal activity and they 398:9 reviewed their customers thoroughly, the 398:10 truth of the matter is, y'all went back and 398:11 checked and AmerisourceBergen was, in fact, 398:12 supplying drugs to this illegal, domestic 398:13 Internet pharmacy problem, correct?		
398:20 - 398:20 Mapes, Michael 07-12-2019 (00:00:01)	vMapes6ALL.148	
398:20 THE WITNESS: Yes.		
401:12 - 401:17 Mapes, Michael 07-12-2019 (00:00:09)	vMapes6ALL.149	
401:12 (Mapes Exhibit 27 marked for 401:13 identification.)	P9115.1	
401:14 QUESTIONS BY MR. LANIER:		
401:15 Q. And then if we want to take it		
401:16 a step further, I'll give you a document that		
401:17 we'll mark as Exhibit Number 27.		
401:18 - 403:2 Mapes, Michael 07-12-2019 (00:01:44)	vMapes6ALL.150	
401:18 And Exhibit Number 27 -- do you		
401:19 have it in front of you?		
401:20 A. I do.		
401:21 Q. -- is one where -- take a		
401:22 moment and look at it, but I'll show you the		
401:23 part that I'm interested in so it saves		
401:24 everybody some time.		
401:25 It talks about John Gilbert,	P9115.1.1	
402:1 the legal counsel for McKesson, representing		
402:2 McKesson, contacting you and Kyle Wright,		
402:3 responding to questions about sales of		
402:4 controlled substances by McKesson to six		
402:5 Internet pharmacies that were located in the		
402:6 Miami field division.		
402:7 And then I'm specifically going		
402:8 to ask you about this. You'll see it		
402:9 references that they were briefed -- McKesson	P9115.1.2	
402:10 was briefed by the DEA on September 1st of		
402:11 2005, and the ARCOS report for the month of		
402:12 October revealed that McKesson distribution		
402:13 center in Lakeland, Florida, distributed over		
402:14 2 million dosage units of hydrocodone --		
402:15 Now, that's an opioid, right?		
402:16 A. Yes, it is.		

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402:17 - 402:21	Q. -- to six suspected illicit Internet pharmacies. They even filed suspicious order reports involving these same pharmacies but still distributed them.	
402:21	Do you see that?	
402:22	A. I do.	
402:23 - 403:2	Q. Does that help refresh your recollection of whether or not McKesson was participating in this problem of Internet pharmacies as well, illegal Internet pharmacies?	
403:5 - 403:5	Mapes, Michael 07-12-2019 (00:00:01)	vMapes6ALL.151
403:5	THE WITNESS: It does.	
403:7 - 403:8	Mapes, Michael 07-12-2019 (00:00:03)	vMapes6ALL.152
403:7	Q. And in fact, were they participating in the problem? Is that true?	
403:11 - 403:11	Mapes, Michael 07-12-2019 (00:00:01)	vMapes6ALL.153
403:11	THE WITNESS: Yes.	
407:19 - 407:20	Mapes, Michael 07-12-2019 (00:00:01)	vMapes6ALL.205
407:19	(Mapes Exhibit 28 marked for identification.)	
408:19 - 409:20	Mapes, Michael 07-12-2019 (00:01:02)	vMapes6ALL.154
408:19	(Mapes Exhibit 29 marked for identification.)	P23733.1
408:21	QUESTIONS BY MR. LANIER:	
408:22	Q. I'll hand it to you -- a copy	
408:23	of it to you marked as Exhibit Number 29.	
408:24	It's long. I don't need you to -- you're	
408:25	welcome to go through the whole thing, but I	
409:1	want to direct your attention specifically to	
409:2	the background section. Just right there at	
409:3	the start.	P23733.1.1
409:4	August 4, 2006, you were still	
409:5	at the DEA at that time, weren't you?	
409:6	A. I was.	
409:7	Q. By its deputy administrator,	
409:8	Joseph T. Rannazzisi, issued an order to show	
409:9	cause to McKesson with respect to its	
409:10	Lakeland distribution center in Lakeland,	
409:11	Florida.	

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409:12 - 409:19	409:12 Do you see that? 409:13 A. I do. 409:14 Q. Order number 1 alleged, among 409:15 other things, that "McKesson failed to 409:16 maintain effective controls at the Lakeland 409:17 facility against diversion of particular 409:18 controlled substances." 409:19 Do you see that as well?	
409:20 - 410:4	409:20 A. I do. Mapes, Michael 07-12-2019 (00:00:20)	vMapes6ALL.155 P23733.1.2
410:7 - 410:13	409:23 Q. And then it says that, 409:24 "Whereas, on November 1, 2007, Mr. Rannazzisi 409:25 issued a second order to show cause to 410:1 McKesson with respect to its Landover 410:2 distribution in Maryland for failing to 410:3 maintain effective controls." 410:4 Did you see that as well? Mapes, Michael 07-12-2019 (00:00:01)	vMapes6ALL.156
410:15 - 410:17	410:7 THE WITNESS: Yes, I see that. Mapes, Michael 07-12-2019 (00:00:09)	vMapes6ALL.157
411:8 - 411:16	410:9 Q. Now, when defendants fail to 410:10 maintain effective control, is that a good 410:11 thing or a bad thing? Mapes, Michael 07-12-2019 (00:00:01) 410:13 THE WITNESS: It's a bad thing. Mapes, Michael 07-12-2019 (00:00:04) 410:15 Q. Why? 410:16 A. Because that may allow drugs to 410:17 be diverted. Mapes, Michael 07-12-2019 (00:00:24) 411:8 The questions that I've asked 411:9 you about Internet pharmacies, as far as 411:10 Cardinal Health is concerned, you also met 411:11 with them, right? 411:12 A. With counsel for Cardinal 411:13 Health, yes. 411:14 Q. And we have the notes from that 411:15 as Exhibit Number 9 that we looked at 411:16 yesterday, correct?	vMapes6ALL.158 vMapes6ALL.159 clear MAPES32.30 vMapes6ALL.160
411:18 - 411:19	Mapes, Michael 07-12-2019 (00:00:01)	vMapes6ALL.161

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	411:18 THE WITNESS: Yes, that is 411:19 correct.	
411:21 - 411:22	Mapes, Michael 07-12-2019 (00:00:05)	vMapes6ALL.162
	411:21 Q. And Cardinal Health never 411:22 confessed to having problems?	MAPES32.31
411:25 - 411:25	Mapes, Michael 07-12-2019 (00:00:00)	vMapes6ALL.163
	411:25 Q. Did they?	
412:3 - 412:3	Mapes, Michael 07-12-2019 (00:00:01)	vMapes6ALL.164
	412:3 THE WITNESS: They did not.	
412:5 - 412:8	Mapes, Michael 07-12-2019 (00:00:10)	vMapes6ALL.165
	412:5 Q. And yet you know Cardinal 412:6 Health was also trafficking in the pills to 412:7 the Internet pharmacies that were illegal or 412:8 illicit, right?	
412:11 - 412:12	Mapes, Michael 07-12-2019 (00:00:03)	vMapes6ALL.166
	412:11 THE WITNESS: They were selling 412:12 pills to pharmacies, yes.	
412:14 - 412:15	Mapes, Michael 07-12-2019 (00:00:04)	vMapes6ALL.167
	412:14 Q. Failing to maintain effective 412:15 controls against diversion, true?	
412:20 - 412:22	Mapes, Michael 07-12-2019 (00:00:01)	vMapes6ALL.168
	412:20 THE WITNESS: Yes. 412:21 (Mapes Exhibit 30 marked for 412:22 identification.)	
415:12 - 415:14	Mapes, Michael 07-12-2019 (00:00:10)	vMapes6ALL.169
	415:12 Q. 1301.74, that's part of what 415:13 was asked you about yesterday, correct?	P19418B.27
	415:14 A. That's correct.	
416:25 - 417:2	Mapes, Michael 07-12-2019 (00:00:08)	vMapes6ALL.170
	416:25 Q. And this is the same law that 417:1 requires them to report suspicious orders to 417:2 the DEA when discovered, fair?	
417:5 - 417:5	Mapes, Michael 07-12-2019 (00:00:00)	vMapes6ALL.171
	417:5 THE WITNESS: It is.	
417:7 - 417:9	Mapes, Michael 07-12-2019 (00:00:08)	vMapes6ALL.172
	417:7 Q. So this is the company's 417:8 requirement to design and operate the system. 417:9 It's not the DEA's job --	
417:12 - 418:4	Mapes, Michael 07-12-2019 (00:00:39)	vMapes6ALL.173
	417:12 Q. -- right?	

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417:13 - 417:19	417:13 A. That's correct. 417:14 Q. And then on suspicious orders, 417:15 report -- the next slide, "Reporting a 417:16 suspicious order to the DEA does not" -- 417:17 And you put that in all caps 417:18 for your presentation, didn't you? 417:19 A. Yes.	P19418B.28
417:20 - 417:25	417:20 Q. -- "does not relieve the 417:21 distributor of the responsibility to maintain 417:22 effective controls." 417:23 You can't just report the 417:24 suspicious order; you still have to maintain 417:25 effective controls, don't you?	
418:1 - 418:6	418:1 A. Yes. 418:2 Q. Because it's the distributor's 418:3 decision whether or not they're going to ship 418:4 those suspicious drugs or not, isn't it? Mapes, Michael 07-12-2019 (00:00:00)	vMapes6ALL.174
418:6 - 418:13	418:6 THE WITNESS: Yes. Mapes, Michael 07-12-2019 (00:00:18)	vMapes6ALL.175
418:8 - 418:16	418:8 Q. And that's your next slide. 418:9 You said, "The DEA cannot tell a distributor 418:10 if an order is legitimate or not. The 418:11 distributor must determine which orders are 418:12 suspicious and then make a sales decision." 418:13 Correct?	P19418B.13
420:15 - 420:21	Mapes, Michael 07-12-2019 (00:00:01) 418:16 THE WITNESS: Correct. Mapes, Michael 07-12-2019 (00:00:20)	vMapes6ALL.176
420:15 - 420:25	420:15 Q. So you've got a 420:16 company that's got to make a sales decision, 420:17 knowing if they ship and sell the product 420:18 they make their money, most likely. And yet 420:19 it's their decision, it's not the DEA's, in 420:20 the normal course of events, absent some 420:21 order, right?	vMapes6ALL.177
420:25 - 420:25	Mapes, Michael 07-12-2019 (00:00:01) 420:25 THE WITNESS: Yes.	vMapes6ALL.178
421:2 - 421:9	Mapes, Michael 07-12-2019 (00:00:23) 421:2 Q. And so in your summary sheet,	vMapes6ALL.179
		P19418B.24

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	421:3 which is right toward the end, you had to 421:4 tell them that any "distributor selling 421:5 controlled substances that are being 421:6 dispensed outside the course of professional 421:7 practice must stop immediately." 421:8 You had to tell them that, 421:9 right?	
421:12 - 421:13	Mapes, Michael 07-12-2019 (00:00:01)	vMapes6ALL.180
	421:12 THE WITNESS: We did tell them 421:13 that, yes.	clear
429:4 - 429:22	Mapes, Michael 07-12-2019 (00:00:52)	vMapes6ALL.181
	429:4 Q. I mean, you told these 429:5 companies that under the old Harrison 429:6 Narcotic Act -- you know what that is, right? 429:7 A. Yes. 429:8 Q. That's what preceded the 429:9 Controlled Substances Act? 429:10 A. Correct. 429:11 Q. And you would talk to these 429:12 companies about this US Supreme Court 429:13 explaining the need to hold suspicious 429:14 shipments, didn't you? 429:15 A. In those meetings, yes. 429:16 Q. And the case you were citing 429:17 from the US Supreme Court -- I looked at your 429:18 meeting notes -- 1943, Direct Sales versus 429:19 United States, correct? 429:20 A. Yes. 429:21 Q. So you knew since 1943 about 429:22 the need to hold suspicious orders --	
429:25 - 429:25	Mapes, Michael 07-12-2019 (00:00:01)	vMapes6ALL.182
	429:25 Q. -- didn't you?	
430:2 - 430:16	Mapes, Michael 07-12-2019 (00:00:37)	vMapes6ALL.183
	430:2 THE WITNESS: I don't recall 430:3 the details of that case and what it 430:4 refers to, but it was a case from... 430:5 QUESTIONS BY MR. LANIER: 430:6 Q. From 1943, Direct Sales versus 430:7 the United States, where the petitioner was a 430:8 registered drug manufacturer and wholesaler,	

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430:9 - 430:16	430:9 and they were selling to Dr. Tate in such 430:10 quantities and so frequently that it must 430:11 have known he couldn't dispense the amounts 430:12 lawfully, and so he was distributing them 430:13 illegally. And they were continuing to ship 430:14 to him even after they should have known 430:15 this, and that's what they got nailed for. 430:16 That's the case, isn't it?	
430:19 - 430:19	Mapes, Michael 07-12-2019 (00:00:00)	vMapes6ALL.184
430:21 - 430:25	430:19 THE WITNESS: Yes. Mapes, Michael 07-12-2019 (00:00:07) 430:21 Q. And you included that case in 430:22 what you gave the companies? 430:23 A. Yes, we did. 430:24 Q. And that was an opioid case, 430:25 wasn't it?	vMapes6ALL.185
431:2 - 431:8	Mapes, Michael 07-12-2019 (00:00:15) 431:2 THE WITNESS: It was. 431:3 QUESTIONS BY MR. LANIER: 431:4 Q. So this idea that, ah, geez, we 431:5 couldn't know, I mean, you gave them a case 431:6 that said since 1943 the US Supreme Court 431:7 said that you should be holding these things, 431:8 right?	vMapes6ALL.186
431:11 - 431:12	Mapes, Michael 07-12-2019 (00:00:03) 431:11 THE WITNESS: Yes, the Supreme 431:12 Court said that you should have known.	vMapes6ALL.187
433:21 - 434:1	Mapes, Michael 07-12-2019 (00:00:15) 433:21 Q. So when a company sees a 433:22 suspicious order, the company's got to make 433:23 this decision: Do we sell it and make our 433:24 money, or do we hold it and investigate it? 433:25 That's the company's decision, 434:1 right?	vMapes6ALL.188 MAPES32.27
434:3 - 434:3	Mapes, Michael 07-12-2019 (00:00:00) 434:3 THE WITNESS: It is.	vMapes6ALL.189
435:16 - 436:16	Mapes, Michael 07-12-2019 (00:01:09) 435:16 Q. "All registrants are required 435:17 to maintain effective control against 435:18 diversion." I'm going to put your answers in	vMapes6ALL.190

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435:19 blue.		
435:20 Do you agree or disagree?		
435:21 A. Agree.		
435:22 Q. And so this is blue for		
435:23 Mr. Mapes.		
435:24 "The registrant is required to		
435:25 report a suspicious order to the DEA."		
436:1 Do you agree?		
436:2 A. Yes.		
436:3 Q. "The registrant is required to		
436:4 maintain a system to detect suspicious		
436:5 orders."		
436:6 Do you agree with that part?		
436:7 A. Yes.		
436:8 Q. And "It's a business decision,		
436:9 but they must identify suspicious orders."		
436:10 Do you agree?		
436:11 A. Yes.		
436:12 Q. And "They should not ship		
436:13 suspicious orders without full due diligence		
436:14 that resolves their suspicions."		
436:15 Do you agree?		
436:16 A. I agree.		
443:17 - 444:1 Mapes, Michael 07-12-2019 (00:00:28)		vMapes6ALL.191
443:17 Q. Now, "if the companies		MAPES32.24
443:18 are asserting a roadblock," I asked		
443:19 Mr. Rannazzisi in his deposition, "that the		
443:20 DEA was part of the problem, that you didn't		
443:21 do your job right or that Joe Ran didn't do		
443:22 his job right or the others," Joe Ran		
443:23 disagreed and said the DEA tried to stop		
443:24 diversion and to clean up the supply chain.		
443:25 Do you think that the DEA was		
444:1 the problem?		
444:11 - 444:13 Mapes, Michael 07-12-2019 (00:00:05)		vMapes6ALL.192
444:11 THE WITNESS: I believe the DEA		
444:12 worked within the resources they had		
444:13 to address the problem.		
456:19 - 456:23 Mapes, Michael 07-12-2019 (00:00:04)		vMapes6ALL.193
456:19 (Mapes Exhibit 31 marked for		P82.1

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	456:20 identification.) 456:21 QUESTIONS BY MR. LANIER: 456:22 Q. Well, let me give it to you. 456:23 We'll mark it as Exhibit Number 31.	clear
467:8 - 467:19	Mapes, Michael 07-12-2019 (00:00:24) 467:8 Q. And did the DEA ever tell the 467:9 companies, "Oh, go ahead, just ship those 467:10 suspicious orders. It's following the law 467:11 when you ship a suspicious order. You don't 467:12 need to do due diligence. You don't need to 467:13 check into it. You don't -- yeah, it's 467:14 excessive, yeah, it's suspicious, yeah, it's 467:15 probably going to be diverted, but just ship 467:16 it anyway and make the money"?	vMapes6ALL.194
	467:17 Did y'all ever tell them to do 467:18 that? 467:19 A. I never did.	
468:11 - 468:14	Mapes, Michael 07-12-2019 (00:00:08) 468:11 Q. It's the company's decision 468:12 whether or not they want to ship a suspicious 468:13 order or hold it, isn't it? 468:14 A. It is.	vMapes6ALL.195
510:22 - 511:3	Mapes, Michael 07-12-2019 (00:00:25) 510:22 Q. And Mr. Lanier showed you a 510:23 privilege log marked as Exhibit 20 and asked 510:24 you about the fact that several entries here 510:25 indicated that you were involved in these. 511:1 Do you recall looking at this 511:2 document, Exhibit Number 20? 511:3 A. Yes.	vMapes6ALL.196 P44542.1
512:6 - 512:12	Mapes, Michael 07-12-2019 (00:00:12) 512:6 Q. He didn't tell you that, 512:7 in fact, every single one of the documents on 512:8 this list that we're looking at here, which 512:9 comprises two pages, had, in fact, been 512:10 produced by AmerisourceBergen. He didn't 512:11 tell you that, right? 512:12 A. That's correct.	vMapes6ALL.197
512:14 - 512:17	Mapes, Michael 07-12-2019 (00:00:14) 512:14 Mr. Mapes, does DEA have ethics	clear vMapes6ALL.198

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512:15 rules in place about post-DEA employment for 512:16 DEA employees like yourself who leave or 512:17 retire? 512:23 - 513:3 Mapes, Michael 07-12-2019 (00:00:09)		vMapes6ALL.199
512:23 THE WITNESS: Yes, there are. 512:24 QUESTIONS BY MS. MCCLURE: 512:25 Q. And you followed those 513:1 post-employment ethics rules? 513:2 A. Yes. 513:3 Q. Thank you. 514:12 - 514:18 Mapes, Michael 07-12-2019 (00:00:16)		vMapes6ALL.200
514:12 Q. And do you think that there's 514:13 anything wrong that you've done in consulting 514:14 for various industry participants to help 514:15 them be compliant with the Controlled 514:16 Substances Act and DEA policies and 514:17 procedures in your post-DEA work? 514:18 A. No. 518:7 - 519:3 Mapes, Michael 07-12-2019 (00:00:57)		vMapes6ALL.201

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520:14 - 520:20	519:3 A. That's correct. Mapes, Michael 07-12-2019 (00:00:13)	vMapes6ALL.202
	520:14 Q. And so that was -- the 520:15 submission of excessive purchase reports was 520:16 considered, in your experience at DEA, to be 520:17 in compliance with the Controlled Substances 520:18 Act for the period of time that those reports 520:19 were accepted, correct? 520:20 A. Yes.	
520:22 - 521:9	520:22 And in addition, I just asked 520:23 you a question as to whether they were in 520:24 compliance with the Controlled Substances 520:25 Act. 521:1 They were also then in 521:2 compliance -- I just asked you a question 521:3 that stated that they were in compliance -- 521:4 the acceptance of the excessive purchase 521:5 reports is being compliant -- was compliant 521:6 with the Controlled Substances Act. 521:7 They were also compliant with 521:8 the regulations that underscored and 521:9 implemented that act, correct?	vMapes6ALL.203
521:15 - 521:18	521:15 THE WITNESS: Personally we 521:16 accepted them, the excessive purchase 521:17 reports, as compliant for the 521:18 suspicious order monitoring, yes.	vMapes6ALL.204

Defendants' Affirmatives = 00:19:38

Plaintiffs' Counters = 00:13:05

Plaintiffs' Completeness = 00:21:44

Defendants' Reply = 00:05:02

Total Time = 00:59:29**Documents Shown**

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